



Customer Number

Patent
Case No.: 57070US038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: CROOKS, STEPHEN L.

Application No.: 10/681711 Group Art Unit: 1625

Filed: October 7, 2003 Examiner: Huang, Evelyn Mei

Title: AMIDO ETHER SUBSTITUTED IMIDAZOQUINOLINES

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 13, 2004
Date

Virginia Bergstrom
Signed by: Virginia Bergstrom

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (referred to as the "Subject Application") by virtue of an assignment recorded at Reel 013219, Frame 0440/0442, on August 22, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,664,265, filed June 7, 2002 (referred to as the "First Patent"), by virtue of an assignment recorded at Reel 013219, Frame 0440/0442, on August 22, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,660,747, filed December 6, 2001, (referred to as the "Second Patent") by virtue of an assignment recorded at Reel 012887, Frame 0766/68, on May 8, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in pending Second Application Serial Number 10/681,457, filed October 7, 2003, by virtue of an assignment recorded at Reel 012887, Frame 0766/68, on May 8, 2002. As used herein, "Third Patent" refers to a patent granted in the Second Application.

Petitioner disclaims the terminal part of any patent granted on the Subject Application (referred to as a "Subject Patent") which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as presently shortened by any

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terminal disclaimer filed prior to the grant of the First Patent or Second Patent or Third Patent, of the First Patent or of the Second Patent or of the Third Patent. Petitioner hereby agrees that the Subject Patent shall be enforceable only for and during such period that the legal title to such patent and the First Patent or Second Patent or Third Patent are commonly owned. This agreement is to run with the Subject Patent and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of the First Patent or Second Patent or Third Patent, as presently shortened by any terminal disclaimer filed prior to the grant of such First Patent or Second Patent or Third Patent, in the event such First Patent or Second Patent or Third Patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of such First Patent or Second Patent or Third Patent.

Documents establishing the chain of title of the Subject Application and of the First Patent and of the Second Patent and of the Second Application (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.